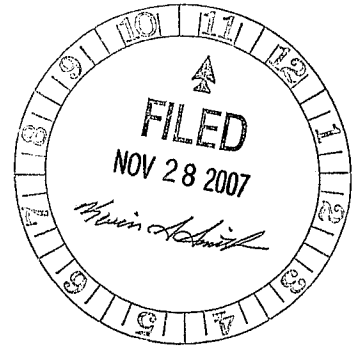


In the
Indiana Supreme Court



IN THE MATTER OF THE)

APPROVAL OF LOCAL RULES)

FOR CLAY COUNTY)

Case No. 11S00-0711-MS- 554

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Clay Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Clay Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR11-AR-01-02 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website at least thirty (30) days prior to taking effect on January 1, 2008.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR11-AR-01-02 for Clay County Courts, set forth as an attachment to this Order, is approved effective January 1, 2008. The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website at least thirty (30) days prior to January 1, 2008. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Joseph Trout, Clay Circuit Court, 609 East National Avenue, Brazil, IN 47834-2659; the Hon. J. Blaine Akers, Clay Superior Court, 609 East National Avenue, Brazil, IN 47834-2659; and to the Clerk of the Clay Circuit Court.

The Clerk of the Clay Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website at least thirty (30) days prior to January 1, 2008.

DONE at Indianapolis, Indiana, this 28th day of November, 2007.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

RULE LR11-AR-01-02

CASELOAD ALLOCATION

- A. ANNUAL REVIEW. The judges of the Clay Circuit Court and the Clay Superior Court shall meet annually to review the weighted caseload statistics of each court and to comply with orders of the Indiana Supreme Court concerning case assignments.
- B. CLAY CIRCUIT COURT. The following cases shall be filed exclusively with the Clay Circuit Court:
1. Juvenile
 2. Adoption
 3. Guardian
 4. Estates
- C. CLAY SUPERIOR COURT. The following cases shall be filed exclusively with the Clay Superior Court:
1. Small Claims
 2. Infractions
 3. Ordinance Violations pertaining to traffic offenses
 4. All cases filed by the Terre Haute law firm formerly known as Wagner, Crawford, Gambill & Trout.
- D. CONCURRENT ASSIGNMENT: The Clay Circuit Court and the Clay Superior Court shall receive assignments of all other matters, including:
1. Civil Commitments
 2. Criminal offenses of all types, except if the Defendant already is currently on probation in Clay County, then the new criminal case involving the same Defendant (probationer) shall be filed with the Court supervising the probationer, as well as the Petition to Revoke Probation, if any. If the Defendant is not currently on probation, then the new criminal case shall be assigned randomly as explained below. Also, if there is another new criminal charge filed under a separate cause number when the same Defendant has another criminal case pending, then the new criminal case shall be assigned to the same Court in whom the previously filed case is pending.
 3. Civil
 4. Criminal cases transferred from other counties
 5. Protective Orders

from the Clay County Clerk as follows:

1. Random Draw: An opaque container holding eight (8) separate pieces marked "C" for Circuit and "S" for Superior will be kept in the Clerk's Office. When a case is filed, the Clerk will randomly remove a piece from the container. If the piece is marked "C" the case will be filed with Circuit Court. If the piece is marked "S" the case will be filed with Superior Court. A piece removed from the container will not be returned to the container until all sixteen pieces have been removed. Then all sixteen pieces will be returned to the container. Also, the Clerk shall remove a properly designated piece from the container for those situations when a new criminal case is filed while the same Defendant has any other criminal case pending, pursuant to the procedure described above. Further, an "S" piece shall be removed for all cases filed by the law firm formerly known as Wagner, Crawford, Gambill and Trout for which the Clay Superior Court has exclusive jurisdiction.
2. PROBATION TRANSFER, SUBPOENA DUCES TECUM AND SEARCH WARRANT CASES. Notwithstanding the above, any case that is a probation transfer from another county, or a case in which the State of Indiana is filing a motion for a subpoena duces tecum or a search warrant, the Clerk will use a separate opaque container holding an equal number of pieces for the Circuit and Superior Courts and shall file the case randomly consistent with the procedure set forth above—Random Draw.
3. TRANSFER. The judges of either court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case, subject to the acceptance by the receiving Court.
4. REFILINGS. When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from whom the dismissal was taken.
5. CRIMINAL RULE 12 REASSIGNMENT. The Courts shall comply with LR11-CR12-1 as to reassignment of cases under Criminal Rule 12. However, in the event no judge is available for assignment or reassignment under LR11-CR12-1, then such case shall be assigned to the Indiana Supreme Court for appointment of a special judge.

APPENDIX A
TO LOCAL RULES SCHEDULE UNDER
T.R. 81 AND ADMIN. R.1 (E)

In the
Indiana Supreme Court

IN THE MATTER OF)	
)	
REQUEST FOR APPROVAL)	
)	Case No.
OF LOCAL RULES)	
)	
FOR COURTS OF RECORD IN)	
)	
CLAY _____ COUNTY)	

REQUEST FOR APPROVAL OF LOCAL RULES

The judges of the courts of record of Clay County have decided to adopt the local rules indicated below and request Supreme Court approval for the following local rules for which Supreme Court approval is required:

1. ___ Special judge selection rule pursuant to Trial Rule 79(H);
2. ___ Reassignment of criminal cases pursuant to Criminal Rule 2.2;
3. ___ Court reporter rule pursuant to Administrative Rule 15;
4. X Caseload allocation rule pursuant to Administrative Rule 1.

_____ The local rule(s) indicated above have been published for comment pursuant to the schedule established by T.R. 81 (B) for not less than 45 days.

Or

X The local rule(s) indicated above are proposed for adoption without first being published for comment because good cause exists for the court(s) to deviate from the schedule established pursuant to T.R. 81. Upon approval by the Supreme Court, these local rules shall be published as required by TR 81 (D) and shall not be effective until so published for comment.

Accordingly, the judges of record of Clay County request approval of the above noted Local Rules.

Submitted this 17th day of October, 2007.

For the Courts of Record of Clay County

J. Blaine Akers

Typed name of submitting judge

J. Blaine Akers

Signature of submitting judge